

and fraudulently represented that the article was effective as a treatment, remedy, and cure for fatigue, nervous exhaustion of men, sexual apathy, and "subefficiency."

On December 1, 1938, pleas of guilty were entered on behalf of the defendants and the court sentenced the corporation to pay a fine of \$50 on each of the three counts, but suspended payment thereof; and sentenced Edward Fetterly to pay a fine of \$50 on each of the three counts, but suspended payment of fine on counts 2 and 3.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30223. Adulteration and misbranding of Fisher's Massage Liniment; misbranding of Fisher's P P P, Fisher's Columbine Massage Cream, Fisher's Diuretic Alternative, and Fisher's Gastric Assimilator. U. S. v. 8 Bottles of Fisher's P P P, et al. Default decree of condemnation and destruction.** (F. & D. Nos. 42494 to 42498, inclusive. Sample Nos. 65-D to 69-D, inclusive.)

The labeling of these products bore false and fraudulent curative and therapeutic claims. One product, the massage liniment, contained less alcohol than was declared on the label.

On June 7, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bottles or jars of the above-named drug products at Tucson, Ariz.; alleging that the articles had been shipped in interstate commerce on or about May 10, 1938, by Mrs. E. Heinz from Denver, Colo.; and charging adulteration and misbranding of the Massage Liniment and misbranding of the remaining products in violation of the Food and Drugs Act as amended.

Analyses showed that Fisher's P P P consisted essentially of water, alcohol, magnesium sulfate, and flavoring materials; that the Massage Cream consisted of petroleum oils with small proportions of boric acid and perfumes; that the Massage Liniment consisted of water, alcohol (14.5 percent by volume), ammonia, and a trace of an iodine compound; that the Diuretic Alternative consisted of water, alcohol, sugar, and small proportions of extracts of plant materials; and that the Gastric Assimilator consisted of alcohol, water, and extracts of plant materials.

The Massage Liniment was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Alcohol 26.8%," since it did not contain 26.8 percent of alcohol but did contain a less amount. It was alleged to be misbranded in that the statement on the carton and bottle labels, "Alcohol 26.8%," was false and misleading.

All products were alleged to be misbranded in that the following statements appearing in the labeling regarding their curative and therapeutic effects were false and fraudulent: (P P P, bottle and carton) " \* \* \* Is an emergency remedy \* \* \* For ordinary cases take two tablespoonfuls in cold water. For speedy action take in four-ounce doses without dilution an hour apart until full contents of bottle have been taken. \* \* \* Hot cloths and Fisheropathic breathing will help to relieve the patient and facilitate action of the remedy. When the stomach rejects food and the sight of water nauseates, the whole alimentary canal from the mouth to the anus is affected"; (Massage Cream) " \* \* \* for \* \* \* Developing the bust, Removing \* \* \* Eruptions, Eczema, Scalp Diseases, Ring-Worms, \* \* \* Shingles, Baby-Rash, Moth-Marks \* \* \* Etc. \* \* \* Dandruff and Scalp Disease \* \* \* Apply \* \* \* until scalp and hair feels \* \* \* healthy \* \* \* For Harsh Voice, Croup, Sore Chest, Pneumonia, Flu, Asthma, or Whooping Cough, a small piece swallowed will afford immediate relief. If lungs are sore and congested, as in Flu or Pneumonia \* \* \* Tissue Regeneration—For developing Bust \* \* \* and increasing tissue regeneration"; (Massage Liniment, bottle) "For Developing the Breast and Chest \* \* \* For Cuts," (carton) "Cuts \* \* \* Etc. \* \* \* It relieves Pain. It Eases a Sore Side It Beats the World to use in Childbirth"; (Diuretic Alternative, bottle) "For all Ordinary Cases \* \* \* For Chronic and Long Standing Cases," (carton) "Alternative \* \* \* It Cures Dropsy It Cures Skin Diseases. It Dissolves Gall Stones and Strengthens the Nerves," (booklet) "Dropsy (Change of Life, Cessation of Menstruation or Extreme Bloating.) Follow Instructions for Cancer or Tumor, substituting the Fisher Diuretic Alternative (Kidney Food) for the Gastric Assimilator. \* \* \* Alternative (for kidney disorders)"; (Gastric Assimila-

tor, bottle) "Gastric Assimilator \* \* \* For Chronic and Long Standing Cases \* \* \* For all Ordinary Cases," (carton) "Gastric Assimilator \* \* \* It Relieves Pain It eases a Sore Side It Beats the World to use in Childbirth."

On January 17, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30224. Misbranding of Dr. Miller's Intraclean. U. S. v. The Miller Co., Inc., Joseph S. Miller, and Ignacy Kisil. Pleas of guilty. Joseph S. Miller fined \$50. Miller Co. and Ignacy Kisil each fined \$600, payment of which was ordered suspended. (F. & D. No. 39784. Sample Nos. 17875-C, 35204-C, 35205-C.)**

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 8, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Miller Co., Inc., Newark, N. J., Joseph S. Miller, and Ignacy Kisil, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 6 and April 7, 1937, from the State of New Jersey into the States of Pennsylvania and New York, respectively, of quantities of Miller's Intraclean which was misbranded.

Analysis showed that the article consisted essentially of broken senna leaves and buckthorn bark with a small proportion of agar-agar.

A portion of the article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that it was effective to clean the interior of the stomach; effective as a stomach intestinal cleanser, as a health restoring compound, as a stomach and intestinal regulator, and to rid the body of disease; effective as a treatment, remedy, and cure for loss of vitality, piles, loss of appetite, tiredness, nervousness, backache, kidney, liver, and bladder trouble, high blood pressure, rheumatic pains, obesity, rash, pimples, dizziness, headache, indigestion, heartburn, belching of gas, acid stomach, gas pains after eating, and bowel stagnation; and effective to kill the root of disease. The remainder was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective to clean the interior of the stomach; and effective as a stomach intestinal cleanser and as a treatment, remedy, and cure for chronic cases of constipation, imperfect elimination, indigestion, belching of gas, heartburn, headaches, difficult breathing, and gas attack.

On December 1, 1938, the defendants entered pleas of guilty. Joseph S. Miller was sentenced to pay a fine of \$50, the Miller Co., Inc., and Ignacy Kisil were each fined \$600, but payment of said fines was suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30225. Misbranding of Tonsol. U. S. v. Edward James McCann (The Tonsol Co.). Plea of nolo contendere. Fine, \$50. Payment suspended and defendant placed on probation for 3 months. (F. & D. No. 36978. Sample No. 15531-B.)**

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 11, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edward James McCann, trading as the Tonsol Co. at Elmira, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 15, 1935, from the State of New York into the State of California of a quantity of Tonsol which was misbranded.

Analysis showed that the article consisted of an aqueous solution of a mild silver proteinate compound.

Misbranding was alleged in that certain statements, designs, and devices regarding its curative and therapeutic effects, borne on the bottle label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for ailments of the tonsils, enlarged or diseased tonsils, diphtheria, quinsy, tonsillitis, cankered sore throat, distress in the head, and adenoids; and effective to loosen all phlegm.